

EXHIBIT I

1 **REQUEST NO. 8**

2 Produce all COMMUNICATIONS between YOU and
3 PLAINTIFFRELATING TOTHIS MATTER.

4 **RESPONSE TO REQUEST NO. 8:**

5 Respondent objects to this request. Respondent objects to this request as it
6 breaches his reasonable expectation of privacy, and his privacy rights outweigh the
7 probative value this information may provide to Defendants. Respondent objects to
8 this request to the extent it seeks privileged work product. Respondent objects to this
9 request to the extent it seeks information that is protected by attorney-client privilege.
10 Respondent objects to this request as it is unreasonably overbroad and is unlimited in
11 time and/or scope. Respondent objects to this request as it is overbroad and is not
12 proportionate to the needs of the case. Respondent objects to this response as the
13 burden or expense in the production of these documents far outweighs the likely
14 benefit this document provides. This request is irrelevant as to Phase I discovery
15 which is limited to two threshold issues related to Plaintiff's individual claims; (i)
16 whether Plaintiff is an independent contractor or employee; and (ii) whether Plaintiff
17 falls under the professional actor exemptions of IWC Wage Order 12. Respondent
18 objects to this request as all of the information requested is not reasonably accessible
19 to him because of undue burden or cost.

20 Notwithstanding said objections, Respondent states as follows: Respondent
21 cannot produce any requested documentation as he is either no longer personally in
22 possession of the requested documentation or has never been in possession of the
23 requested documents.

24 **REQUEST NO. 9**

25 Produce all COMMUNICATIONS between YOU and ANY PERSON
26 RELATING TO THIS MATTER.

27 ///

28 ///

1 Respondent objects to this request as it is unreasonably overbroad and is unlimited in
2 time and/or scope. Respondent objects to this request as it is overbroad and is not
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11 Notwithstanding said objections, Respondent states as follows: Respondent
12 cannot produce any requested documentation as he is either no longer personally in
13 possession of the requested documentation or has never been in possession of the
14 requested documents.

15 **REQUEST NO. 32**

16 In native format, produce all data for the INSTAGRAM ACCOUNT. Data for
17 the INSTAGRAM ACCOUNT can be obtained by using the instructions under the
18 header "Downloading a copy of your information on Instagram"
19 at:<https://help.instagram.com/181231772500920>.Please produce this information in
20 HTML format.

21 **RESPONSE TO REQUEST NO. 32:**

22 Respondent objects to this request. Respondent objects to this request as it
23 breaches his reasonable expectation of privacy, and his privacy rights outweigh the
24 probative value this information may provide to Defendants. Respondent objects to
25 this request to the extent it seeks privileged work product. Respondent objects to this
26 request to the extent it seeks information that is protected by attorney-client privilege.
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9 Notwithstanding said objections, Respondent states as follows: Respondent
10 cannot produce any requested documentation as he is either no longer personally in
11 possession of the requested documentation or has never been in possession of the
12 requested documents.

13 **REQUEST NO. 33**

14 Produce all COMMUNICATIONS between YOU and VISION relating to any
15 social media posts issued by YOU through the INSTAGRAM ACCOUNT.

16 **RESPONSE TO REQUEST NO. 33:**

17 Respondent objects to this request. Respondent objects to this request as it
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19 probative value this information may provide to Defendants. Respondent objects to
20 this request to the extent it seeks privileged work product. Respondent objects to this
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26 benefit this document provides. This request is irrelevant as to Phase I discovery
27 which is limited to two threshold issues related to Plaintiff's individual claims; (i)
28 whether Plaintiff is an independent contractor or employee; and (ii) whether Plaintiff

EXHIBIT J

1 Pursuant to the Federal Rules of Civil Procedure (“FRCP”), including FRCP
2 Rules 26 and 34, Respondent RYAN MURPHY (“Respondent”) responds as follows
3 to Defendants’ May 24, 2024 Subpoena to Produce Documents, Information, or
4 Objects or to Permit Inspection of Premises in a Civil Action.

5 **REQUEST NO. 1**

6 Produce all COMMUNICATIONS between YOU and any PERSON
7 regarding PLAINTIFF’s ENGAGEMENTS with DEFENDANTS

8 **RESPONSE TO REQUEST NO. 1:**

9 Respondent objects to this request. Respondent objects to this request as it
10 breaches his reasonable expectation of privacy, and his privacy rights outweigh the
11 probative value this information may provide to Defendants. Respondent objects to
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13 request to the extent it seeks information that is protected by attorney-client privilege.
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18 benefit this document provides. This request is irrelevant as to Phase I discovery
19 which is limited to two threshold issues related to Plaintiff’s individual claims; (i)
20 whether Plaintiff is an independent contractor or employee; and (ii) whether Plaintiff
21 falls under the professional actor exemptions of IWC Wage Order 12. Respondent
22 objects to this request as all of the information requested is not reasonably accessible
23 to him because of undue burden or cost.

24 Notwithstanding said objections, Respondent states as follows: Respondent
25 cannot produce any requested documentation as he is either no longer personally in
26 possession of the requested documentation or has never been in possession of the
27 requested documents.

28 ///

1 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 1:**

2 Respondent objects to this request. Respondent objects to this request as it
3 breaches his reasonable expectation of privacy, and his privacy rights outweigh the
4 probative value this information may provide to Defendants. Respondent objects to
5 this request to the extent it seeks privileged work product. Respondent objects to this
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12 which is limited to two threshold issues related to Plaintiff's individual claims; (i)
13 whether Plaintiff is an independent contractor or employee; and (ii) whether Plaintiff
14 falls under the professional actor exemptions of IWC Wage Order 12. Respondent
15 objects to this request as all of the information requested is not reasonably accessible
16 to him because of undue burden or cost.

17 Notwithstanding said objections, Respondent states as follows: Respondent
18 cannot produce any requested documentation as he is no longer personally in
19 possession of the requested documentation. Respondent no longer has access to
20 communications responsive to this request as communications took place through his
21 work e-mail or his personal cell phone. Since the end of his employment with Motley
22 Models, Respondent has not had access to his work e-mails and thus no access to
23 communications. Furthermore, in March 2024, Respondent traded in his personal cell
24 phone to AT&T. As part of the trade-in process, Respondent's cell phone was reset
25 back to factory settings and returned to AT&T and Respondent is no longer in
26 possession of responsive communications.

27 **REQUEST NO. 2**

28 Produce all COMMUNICATIONS between YOU and VISION RELATING

1 possession of the requested documentation or has never been in possession of the
2 requested documents.

3 **REQUEST NO. 32**

4 In native format, produce all data for the INSTAGRAM ACCOUNT. Data for
5 the INSTAGRAM ACCOUNT can be obtained by using the instructions under the
6 header “Downloading a copy of your information on Instagram”
7 at:<https://help.instagram.com/181231772500920>.Please produce this information in
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EXHIBIT K

1 work e-mail or his personal cell phone. Since the end of his employment with Motley
2 Models, Respondent has not had access to his work e-mails and thus no access to
3 communications. Furthermore, in March 2024, Respondent traded in his personal cell
4 phone to AT&T. As part of the trade-in process, Respondent's cell phone was reset
5 back to factory settings and returned to AT&T. In searching for responsive
6 documents, Respondent accessed and searched his Instagram account archive, text
7 messages on his personal cell phone, personal e-mails, and cloud storage.

8 **REQUEST NO. 8**

9 Produce all COMMUNICATIONS between YOU and PLAINTIFF
10 RELATING TO THIS MATTER.

11 **RESPONSE TO REQUEST NO. 8:**

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16 falls under the professional actor exemptions of IWC Wage Order 12. Respondent
17 objects to this request as all of the information requested is not reasonably accessible
18 to him because of undue burden or cost.

19 Notwithstanding said objections, Respondent states as follows: Respondent
20 will produce all non-privileged documents within his possession, custody, and
21 control.

22 **SECOND SUPPLEMENTAL RESPONSE TO REQUEST NO. 8:**

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13 account archive, text messages on his personal cell phone, personal e-mails, and cloud
14 storage.

15 **REQUEST NO. 9**

16 Produce all COMMUNICATIONS between YOU and ANY PERSON
17 RELATING TO THIS MATTER.

18 **RESPONSE TO REQUEST NO. 9:**

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19 searching for responsive documents, Respondent accessed and searched his Instagram
20 account archive, text messages on his personal cell phone, personal e-mails, and cloud
21 storage.

22 **REQUEST NO. 10**

23 Produce all DOCUMENTS RELATING TO YOUR contractual relationship
24 with PLAINTIFF, INCLUDING any agreement to serve as an agent for Plaintiff, and
25 any agreement providing for commissions payable to YOU in connection with
26 PLAINTIFF.

27 **RESPONSE TO REQUEST NO. 10:**

28 Respondent objects to this request. Respondent objects to this request as it

1 DEFENDANTS.

2 **RESPONSE TO REQUEST NO. 31:**

3 Respondent objects to this request. Respondent objects to this request as it
4 breaches his reasonable expectation of privacy, and his privacy rights outweigh the
5 probative value this information may provide to Defendants. Respondent objects to
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12 mails, and cloud storage.

13 **REQUEST NO. 33**

14 Produce all COMMUNICATIONS between YOU and VISION relating to any
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EXHIBIT L

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(WESTERN DIVISION - LOS ANGELES)

MACKENZIE ANNE THOMA,)	CASE NO: 2:23-cv-04901-WLH-AGRx
)	
Plaintiff,)	CIVIL
)	
vs.)	Los Angeles, California
)	
VXN GROUP, LLC, ET AL,)	Thursday, August 22, 2024
)	
<u>Defendants.</u>)	(10:01 a.m. to 11:27 a.m.)

VIDEO DISCOVERY CONFERENCE

BEFORE THE HONORABLE ALICIA G. ROSENBERG,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES: SEE PAGE 2

Court Reporter: Recorded; CourtSmart

Courtroom Deputy: K. Lozada

Transcribed by: Exceptional Reporting Services, Inc.
P.O. Box 8365
Corpus Christi, TX 78468
361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 **MS. COHEN:** So this information that's here in
2 Murphy, zero, zero, zero, five, he reviewed.

3 **MR. KANE:** Okay. And, Your Honor, this illustrates
4 once again the problem we have every single time with
5 Mr. Murphy and counsel, which is I know for a fact because I
6 communicated with Mr. Murphy in January in direct messages,
7 those were not produced.

8 And we -- just like the letter of counsel, we go,
9 okay, we asked -- and we only find out the things that we
10 already know are not being produced. So --

11 **MS. COHEN:** (Inaudible) okay (inaudible) --

12 **MR. KANE:** -- we are asking (inaudible) --

13 **THE COURT:** Okay. So, Ms. Cohen, did you --

14 **MS. COHEN:** (Inaudible)

15 **THE COURT:** -- fine communications between Mr. Murphy
16 and defense counsel or Defendants?

17 **MS. COHEN:** Yes. But they're not responsive to any
18 request. What request is that responsive to?

19 **MR. KANE:** Request number 32.

20 **MS. COHEN:** It wasn't specifically -- no, it was --
21 no, 32 we discussed at the last hearing that 32 would be
22 anything that we recovered that's responsive to other requests.

23 When Mr. Kane contacted Mr. Murphy, it was to have a
24 conversation. It wasn't necessary obvious that it was about
25 the case or anything specifically about the case.

1 So what Defendants consider responsive, you know, I
2 respect that with all due respect. But that's not necessarily
3 what Plaintiff considers (inaudible) --

4 **THE COURT:** Wait a minute. You're saying that if
5 Mr. Kane contacts Mr. Murphy, that the communication has to be
6 expressly about this case --

7 **MS. COHEN:** But which -- but my question is --

8 **THE COURT:** -- to be responsive?

9 **MS. COHEN:** My question is -- or my position is,
10 Mr. Kane's communications with Mr. Murphy are not responsive to
11 any of these requests. I mean, if defense would like to point
12 me to one, I'd be happy to read it now. I have the requests up
13 in front of me. Which request is that responsive to?

14 **MR. BROWN:** I believe that there is a request about
15 communications with any person regarding this matter; is there
16 not?

17 **MS. COHEN:** That's Mr. Murphy's position is that it
18 wasn't clear that it was about this matter.

19 **THE COURT:** I don't think that that's viable, okay?
20 I mean, he's been contacted by defense counsel in this case. I
21 don't understand the Mr. Murphy thinks it could have been about
22 something else, therefore it's not responsive.

23 I mean, I can understand Mr. Murphy might come up
24 with that. But counsel, come on.

25 **MS. COHEN:** (Inaudible) --

1 **THE COURT:** I mean, if this is -- if there's a
2 request for communications in this case, and there's a
3 communication from defense -- I mean, this is really raising a
4 question about what you think expressly has to be stated in the
5 communication in order to be responsive.

6 **MS. COHEN:** But I would also --

7 **THE COURT:** I mean, that's -- that is a concern to
8 the Court.

9 **MS. COHEN:** I would also like to add, Your Honor,
10 what does Mr. Kane's communications with Mr. Murphy have to do
11 with phase one discovery? And that is what I mean, Your Honor.
12 Defendants (inaudible) --

13 **THE COURT:** I don't know. But you want to litigate
14 this over every single document. You (inaudible) --

15 **MS. COHEN:** But that's the question.

16 **THE COURT:** -- you're going to ask the Court to
17 review every document between Mr. Murphy and some third party,
18 and then I'm supposed to figure out what connection that could
19 be.

20 **MS. COHEN:** But --

21 **THE COURT:** It's impossible to do. what if there's a
22 communication that he has with a potential witness in this
23 case, and all the communication is, is setting the date and
24 time for the meeting, but doesn't express what the meeting is
25 about, even though it is about this case?

1 So under Mr. Murphy's interpretation, the
2 communication to set up the meeting doesn't expressly mention
3 the subject matter, therefore would not be responsive.

4 Do you think that that's a reasonable interpretation
5 of someone's discovery obligation, and --

6 MS. COHEN: (Inaudible)

7 **THE COURT:** -- then it's up to the Court to figure
8 out, well, was this -- what was this meeting about? If it was
9 about this case then the communication setting up the meeting
10 would be responsive.

11 But we're going to try the whole issue in order to
12 determine whether each individual document is responsive; do
13 you think that that makes sense?

14 **MS. COHEN:** Your Honor, with all due respect, we had
15 to go through all 41 of my PMK depo topics and determine
16 whether it was in phase one discovery. How is that request
17 within --

18 | THE COURT: Fine. You know, --

19 MS. COHEN: -- phase one discovery (inaudible) --

20 | THE COURT: -- something, terrific.

21 MS. COHEN: -- order (inaudible) district judge.

22 **THE COURT:** Go ahead and send me -- I don't have time
23 for this. But go ahead and send me Mr. Ryan's document
24 production and I will be happy to read through it.

25 And if I can figure out who these people are, we'll

1 decide what -- I mean, this is ridiculous, outrageously --

2 **MS. COHEN:** I agree.

3 **THE COURT:** -- ridiculous. But, you know, if you
4 can't manage to review the documents in a way that solves the
5 problem here, which is what is responsive, because Mr. Murphy's
6 interpretation is not reasonable. That is not reasonable.

7 The communication itself doesn't have to describe the
8 content of what these people were talking about. That is, you
9 know, every single communication doesn't have to do that.

10 It has to be, however, about this case. And this is
11 a defense counsel in this case, probably the most obvious
12 connection that there would be, unless he's saying he has some
13 communication with Mr. Kane about some other case or some other
14 matter. That would be different. But he's not saying that.

15 **MS. COHEN:** Your Honor, this violates the district
16 judge's order as to phase one discovery. With all due respect,
17 Your Honor, that's my position.

18 Mr. Kane's communications with Ryan Murphy do not
19 have any bearing on independent contractor versus employee or
20 wage order 12 exemption. There are very strict orders from the
21 district judge that that is what phase one discovery is about
22 (phonetic) --

23 **THE COURT:** (Inaudible) do now, each individual
24 communication has to expressly state that this is what it's
25 about.

EXHIBIT M

25 with the order that was served on me, and I explained to

7

1 her that I was going to follow the directions until I
2 was given a legal document that said that I didn't need
3 to.

4 Q. Okay. And when you say "she," who are you
5 referring to precisely?

6 A. Sarah Cohen.

7 Q. Okay. And so, Sarah Cohen instructed you not
8 to comply with the document subpoena?

9 A. Absolutely.

10 Q. And what was the -- what precisely did she tell
11 you in terms of not complying?

12 A. She tried to bully me into telling me that I
13 would be jailed if I complied with the request for --
14 for documents.

15 Q. And why did --

16 (Overlapping speakers.)

17 Go ahead.

18 A. Go ahead.

19 Q. Why did she say that you might be jailed?

20 A. Because I told her that I was going to comply

21 with the document that was served on me at my office.
22 And obviously, she didn't want me to cooperate with you.
23 Q. And was there a reason that she -- a
24 justification that she gave you in terms of why you
25 could be jailed for complying with the subpoena?

8

1 A. I think she was just huffing and puffing, and I
2 told her where to get off.

3 Q. Okay.

4 A. I wasn't going to be bullied. I wasn't going
5 to be bullied by anybody.

6 Q. Did you have any subsequent communications with
7 the plaintiff's attorney after that conversation?

8 A. I think that she did call me a second time.

9 Actually, I think Mackenzie called me first, then she
10 called me telling me that it would harm their case if I
11 complied with -- with you. And I said, "I don't care."

12 Q. Did she inform you as to how it would harm her
13 case if you complied with this subpoena?

14 A. No.

15 Q. And you said that Mackenzie Anne Thoma, the
16 plaintiff in this case, also contacted you after we'd

4 Q. 2023. Okay.

5 So the only discussions that you had with
6 Lillian prior to this deposition is with regards to her
7 handling of financial documents of plaintiff for the
8 2023 tax return?

9 A. Yes.

10 Q. Okay. Did you have discussion with anyone else
11 from Business Artists {sic} Management Group --

12 A. It's Artists Business Management Group.

13 Q. Artists Business Management Group. I
14 apologize.

15 A. I've spent 30 years building that name.

16 Q. Congratulations.

17 A. Thank you.

18 (Overlapping speakers.)

19 Q. I apologize. I apologize again for
20 misspeaking.

21 Did you have any other conversations regarding
22 this deposition with anyone else from your company prior
23 to this deposition?

24 A. My wife.

25 Q. Okay. What did you discuss with your wife?

13 documents or that you at least consider the position.

14 Okay? That's what the letter is saying.

15 And you still -- presumably, you still have it
16 in your possession. You can refer to it. Defense
17 counsel has now seen it.

18 And so, I just want to clarify or maybe help
19 you remember that my phone call was merely to let you
20 know that we needed to go through some legal
21 requirements to put a stop to the subpoena. But due to
22 time straightens, I wanted to give you a courtesy call
23 to let you know that these are private financial
24 records, and we intended to file a motion to quash.

25 A. And I told you that I intended to comply with

60

1 the legal order until I receive something from the court
2 that said: You no longer have to comply with this.

3 Q. Right. So --

4 A. I'm not impressed.

5 Q. -- is it -- is it your testimony today that you
6 would only participate -- only assist plaintiff,
7 Ms. Thoma, if there was a court order saying you didn't
8 need to comply with the subpoena? Is that your

9 testimony today?

10 A. That's right. If the court -- if the court
11 said -- it's just like a withholdings order. When a
12 withholdings order is rescinded, that's when you no
13 longer have to withhold from someone's paycheck. I
14 treat it the same exact way.

15 Q. Mr. Lerner, do you understand the definition of
16 "blackmail"?

17 A. Of what?

18 Q. Of "blackmail" --

19 A. Yes.

20 Q. -- do you know the legal definition of
21 "blackmail"? What is that?

22 A. Yes.

23 Q. What is that?

24 A. I don't know the legal terms of it.

25 Q. So blackmail is a federal and state crime that

1 involves threatening to disclose or to do something
2 harmful to a victim in exchange for something of value.

3 Do you understand that?

4 A. Okay. That's nice.

1 that -- the name's cut off. I can't see your last name.

2 I apologize.

3 THE VIDEOGRAPHER: Ron's fine.

4 MS. COHEN: Ron? Okay. Thank you, Ron.

5 Ron, do you mind going ahead and sharing on the
6 screen the second document that was dropped into the
7 chat, please?

8 BY MS. COHEN:

9 Q. So, Mr. Lerner, can you see the document on the
10 screen?

11 A. Yup.

12 Q. So you just testified that the only way you
13 would cooperate is if there was a court order; is that
14 correct?

15 A. Yes.

16 Q. But in an email to my office from you directly
17 to me, on Friday, August 23rd, 2024, 7:04 p.m., you had
18 said in part of that e-mail:

19 "If your client wishes my assistance, she will
20 to need clear up her balance with our firm."

21 Do you see that?

22 A. Yes.

23 Q. Okay. So do you agree?

24 A. She owes me money. She owes me money.

25 Q. Right. Exactly. Exactly.

1 And do you agree that we had already had our
2 conversation of plaintiff's concern that the -- that
3 production of the documents violate her financial --
4 (Overlapping speakers.)

5 Hold on. I get to finish my question.

6 And I had only asked you to hold off until we
7 get a court order for the motion to quash?

8 A. And if you look at my thing here, I say:

9 "I have no way of knowing if your information
10 is correct and have no trust in your
11 information," because I didn't trust you.

12 Q. Read the next line, Mr. Lerner.

13 A. Yeah.

14 "If your client wishes my assistance" means:
15 If she wishes for me to really help her in some way,
16 clear up your balance. Until then, I'm not going to --
17 I'm not going to go out of my way. I'm not going to
18 defy a court order to Mr. Brown for -- for her.

19 Q. But you would have if she cleared up her
20 balance. That's what your email said.

21 (Overlapping speakers.)

3 A. Correct.

4 Q. Okay.

5 A. Nor did I care.

6 Q. Were you aware that plaintiff and VZN Media,
7 LLC, had entered into an employment contract?

8 A. How would I know?

9 MR. BROWN: Objection. Misstates the record.

10 BY MS. COHEN:

11 Q. Did you know that there was any type of
12 contract?

13 A. How would I know that?

14 Q. Okay.

15 A. I'm not involved in her production of income.
16 Accountants do what's called "historical work." You
17 bring me your -- you bring me your work, we summarize
18 it, and we prepare a tax return.

19 We don't manage her. We don't do her
20 contracts. We don't -- we're not -- we don't have the
21 responsibility of doing those things. We see things way
22 after the fact.

23 MS. COHEN: Understood.

24 All right, Mr. Lerner. I don't have any
25 further questions. Thank you so much for your

8 THE WITNESS: It was definitely not.

9 THE REPORTER: Mr. Lerner, can you wait until
10 Mr. Brown finishes his question completely?

11 THE WITNESS: Sure.

12 BY MR. BROWN:

13 Q. Just to -- just to clarify, your last -- your
14 statement that:

15 "If your client wishes my assistance, she will
16 need to clear up her balance with our firm."

17 Was that is an explicit demand that Kenzie Anne
18 pay you in exchange for not producing documents?

19 A. No, it was not.

20 MR. BROWN: Thank you. No further questions.

21 Thank you, Mr. Lerner.

22 THE WITNESS: Great.

23 MS. COHEN: I don't have any further questions
24 Counsel.

25 Thank you, Mr. Lerner.

1 MR. BROWN: Actually, I have one further
2 question before we go off the record.

3 BY MR. BROWN: